

11-796 BOWMAN V. MONSANTO, ET AL.

DECISION BELOW: 657 F.3d 1341

LOWER COURT CASE NUMBER: 2010-1068

QUESTION PRESENTED:

Patent exhaustion delimits rights of patent holders by eliminating the right to control or prohibit use of the invention after an authorized sale. In this case, the Federal Circuit refused to find exhaustion where a farmer used seeds purchased in an authorized sale for their natural and foreseeable purpose-namely, for planting.

The question presented is:

Whether the Federal Circuit erred by (1) refusing to find patent exhaustion in patented seeds even after an authorized sale and by (2) creating an exception to the doctrine of patent exhaustion for self-replicating technologies?

CERT. GRANTED 10/5/2012